

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 4:22-CR-0263 AGF SRW
)
 JOSEPH ZARKY,)
)
 Defendant.)

MOTION FOR PRETRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its Attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Jennifer Szczucinski, Assistant United States Attorneys for said District, and moves the Court to order the Defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of the Defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, §3141, et seq.

As and for its grounds, the United States of America states as follows:

1. The Defendant is charged with possession a firearm by a person committed to a mental institution, in violation of 18 U.S.C. § 922(g)(4), an offense for which a maximum ten years imprisonment is prescribed under Title 18.

2. According to an investigation conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), in conjunction with Webster Groves Police Department (WGPD) and St. Louis County Police Department, on June 1, 2021, WGPD was dispatched to 1400 South Rock Hill for the report of an unstable individual. The subject was later identified as the Defendant. WGPD made contact with the Defendant, who was aggressive and appeared mentally unstable. The Defendant had four fully loaded firearms and knives on his person. The Defendant was carrying a satchel over his shoulder; inside the satchel WGPD found six, thirty-round magazines

fully loaded with 9mm ammunition along with miscellaneous loose ammunition. The Defendant also had a bookbag, which contained several plastic bags containing blood, a deer head, and miscellaneous body parts from animal(s). WGPD was advised that the Defendant had been acting irrationally, suffered from mental illness, and had been diagnosed with mental illness in the past. WGPD were given permission to search the Defendant's room, where they located two additional firearms, three spring loaded animal traps, a crossbow, hatchets, air rifles, drug paraphernalia, suspected marijuana, knives, and ammunition. The Defendant was transported by ambulance to Mercy Hospital and admitted for a mental health evaluation. The Defendant remained at Mercy Hospital from June 1, 2021 to June 25, 2021. On or about June 10, 2021, a hearing was held in St. Louis County Circuit Court in which the Defendant was ordered to be involuntarily committed to Mercy Hospital for mental health treatment. While confined at Mercy, the Defendant's grandparents (with whom he had been living), obtained ex-parte orders of protection against the Defendant.

3. Within a week of his release, the Defendant attempted to purchase new firearms; on July 2, 2021, in Camdenton, Missouri and on July 7, 2021, in Affton, Missouri. The Defendant was denied purchase because of the orders of protection.

4. On July 28, 2021, WGPD officers conducted a traffic stop of a Dodge Avenger near South Old Orchard and Big Bend. The driver was identified as the Defendant. Knowing of the Defendant's recent encounter with WGPD in June and because she smelled marijuana, the officer asked if there were any illegal drugs or guns in the car. The Defendant denied and gave consent to search the vehicle. When the Defendant exited the vehicle and was asked if he had any weapons on him, he replied there were and motioned towards his hip. Officers located a revolver in the waist band of his shorts. A Glock pistol was located in a fanny pack on his left hip. A search of the vehicle revealed a backpack on the passenger seat that contained a "grinder" filled with suspected marijuana and a zip lock bag containing suspected marijuana.

4. On September 30, 2021, WPGD officers received a call to 336 Tulip Drive for a stolen vehicle, who reported a concern that the Defendant had stolen the vehicle. While investigating, WGPD officers located the Defendant near the home. When officers attempted to stop the Defendant, he put his hands in his pockets as if he had a weapon and refused to remove them. The Defendant then ran from officers. When officers located the Defendant, a pocketknife with apparent blood on it was located in the pocket of his jacket. The Defendant's behavior became increasingly erratic and officers transported the Defendant to SSM St. Clare Hospital in Fenton, Missouri for observation. The Defendant was subsequently transported to SSM DePaul Hospital. The Defendant remained at SSM DePaul Hospital from September 30, 2021 until October 20, 2021. On or about October 10, 2021, a hearing was held in St. Louis County Circuit Court in which The Defendant was ordered to be involuntarily committed to SSN DePaul Hospital for mental health treatment.

5. While the Defendant was confined, on October 11, 2021, the Defendant's parents contacted WGPD to report that when they located their vehicle they also located a black Palmetto Arms AR 15 rifle with a model number PA-15 with a serial number of SCD369247 in the backseat of the vehicle, hidden under a comforter. The rifle did not belong to the Defendant's parents.

6. On January 29, 2022, the St. Louis County Police Department (SLCPD) responded to shots fired call at Unger Park located at 500 Yarnell Road, Saint Louis, Missouri. The officers were advised approximately 24 shots had been fired near hole 10 of the disc golf area of the park. The officers located the Defendant and asked if he had any weapons. The Defendant said he had a rifle and pointed to one on the ground behind him. The officers conducted a pat down of the Defendant and located a Glock pistol in a holster in his waistband.

7. On or about May 8, 2022, the Defendant was arrested in Kentucky, following a traffic stop. The Defendant was in possession of another pistol. On May 9, 2022, ATF agents executed a federal search warrant at the Defendant's apartment. Located inside the apartment were

fifteen firearms, including pistols and rifles, and over one thousand rounds of ammunition.

8. The Defendant clearly has connections outside the district, as he was arrested in Kentucky. The nature and circumstances of the offenses charged, particularly, the Defendant's mental health history and his constant possession of multiple firearms, reflect that there is a serious danger to the community that would be posed by the defendant's release. Further, there are no conditions or combination of conditions that will reasonably assure the Defendant's appearance as required.

WHEREFORE, the United States requests this Court to order the Defendant detained prior to trial, and further to order a detention hearing three (3) days from the date of the Defendant's initial appearance.

Respectfully submitted,

SAYLER A. FLEMING
United States Attorney

/s/ Jennifer Szczucinski
JENNIFER SZCZUCINSKI, #56906MO
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2022, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

All Attorneys of Record.

/s/ Jennifer Szczucinski
Jennifer Szczucinski, #56906MO